

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON, OHIO

ELWOOD H. JONES

Petitioner

Case No. 1:01-cv-564

v.

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

MARGARET BAGLEY, Warden,

Respondent.

**Elwood H. Jones's Motion to Amend
Scheduling Order**

Elwood H. Jones moves this Court for an order amending the schedule as follows:

Petitioner file Traverse September 11, 2006
Warden file Reply..... October 16, 2006
Petitioner file Motion for
Evidentiary Hearing October 19, 2006.

A TELEPHONE CONFERENCE WITH MR. CRIM AND MR. HELLMAN WOULD
HELP THE COURT RESOLVE THIS MOTION.

**Elwood H. Jones's Memorandum in Support of
Motion to Amend Scheduling Order**

The Traverse is presently due on August 14, 2006. Counsel needs additional time in order to consult with Mr. Jones and to complete the Traverse. While this changes the immediate timing, by the end of October the case will be back on the same schedule.

Mr. Monta's mother died Tuesday evening; her death was not expected.

Mr. Crim's current schedule has been complicated by a series of projects that he committed to in early 2005. Usually these matters even out but, all of them have significant dates in the next month or so. Mr. Crim has a brief due

on Monday in a consolidated appeal involving seven defendants in a RICCO-drug-conspiracy case, *United States v. Wheeler*, United States Court of Appeals for the Sixth Circuit, Case No. 05-3140. While the brief has been almost complete for several weeks, the 11,062-page Appendix was finalized on Tuesday and received yesterday. Mr. Crim is scheduled to begin a drug-conspiracy trial before Judge Rose on September 18 in *United States v. Goff*, United States District Court for the Southern District of Ohio, Case No. 3:04-cr-00140 (14). Mr. Crim is somewhat in trial in a drug-conspiracy trial before Judge Rice, *United States v. Taylor*, Case No. 3:04-cr-00130(3). This trial, while currently in hiatus, is expected to resume on Monday. Finally Mr. Crim and Mr. Monta are scheduled to begin a capital murder trial in Greene County on November 6 in *State v. Green*, Case No. 2005 CR 0581; there is a motion cut-off date for the middle of October.

Mr. Crim has discussed this schedule with Mr. Hellman, who **opposes** this schedule change.

Thus, this Court should grant the motion to amend the schedule.

s/Michael L. Monta

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s/ Gary W. Crim

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Attorneys for Elwood H. Jones

Certificate of Service

I, Gary W. Crim, counsel for Elwood H. Jones, certify that on August 10, 2006, I served a copy of this Motion to Amend Scheduling Order on Counsel for the Warden, Matthew C Hellman and Heather L. Gosselin, by emailing it to mhellman@ag.state.oh.us and hgosselin@ag.state.oh.us.

s/ Gary W. Crim

GARY W. CRIM